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And Mahsam Raza*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MICHAEL ANTHONY MIKSA, an individual,

Plaintiff,

vs.

MUSA INDUSTRIES, INC., a California
corporation; MAHSAM RAZA, an individual; and
DOES 1-20,

Defendants.

CASE NO.: 2:22-cv-00403-CDS-BNW

**JOINT STIPULATION AND ORDER
REGARDING DEFENDANTS' MOTION
TO ABATE**

[FIRST REQUEST]

Plaintiff Michael Anthony Miksa ("Plaintiff" or "Miksa") and Defendants MUSA INDUSTRIES, INC. ("Musa") and MAHSAM RAZA ("Raza") (collectively "Defendants") by and through their undersigned counsel of record stipulate to remove Defendants' Motion to Abate Deadlines and Discovery [ECF No. 38] from the Court's June 27, 2022, Hearing Docket. As provided

1 herein, the parties respectfully submit that good cause supports this request.

2 On April 28, 2022, Defendants filed their Motions to Dismiss the First Amended Complaint
3 (“Motions to Dismiss”). [ECF Nos. 32-33]. On May 13, 2022, Plaintiff filed his Oppositions to the
4 Motions to Dismiss. [ECF Nos. 34-35]. Defendants replied on May 20, 2022. [ECF Nos. 36-37]. On
5 May 27, 2022, Defendants filed their Motion to Abate Deadlines and Discovery (“Motion to Abate”).
6 [ECF No. 38]. The Court has set a hearing on the Motion to Abate for June 27, 2022. The parties have
7 exchanged initial disclosures but have not otherwise begun actively engaging in discovery.

8 Since the filing of the Motion to Abate, the parties have agreed to an August 10, 2022 full-day
9 mediation with the Honorable retired judge David Wall at JAMS. The parties have stipulated to
10 approximately 90-day extensions of all deadlines. [ECF No. 40] The Court has since approved that
11 stipulation. [ECF No. 41]. The parties have also agreed not to engage in any discovery prior to the
12 aforementioned mediation.

13 Defendants have essentially obtained their requested relief by agreement of the parties at least
14 through mediation and the current period of the scheduling extensions. In light of that, the parties have
15 agreed, subject to approval of the Court, to removal of the hearing and the need to further brief the
16 Motion to Abate at this time.

17 This request is made in good faith, jointly by the parties, and not for the purposes of delay. A
18 trial date in this matter has not yet been set. Moreover, since this request is a joint request, neither
19 party will be prejudiced. Accordingly, the parties respectfully submit that there is sufficient good cause
20 to remove the June 27, 2022 hearing on the Motion to Abate from the hearing docket and to stay the
21 accompanying briefing until further notice.

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24 **[ATTORNEY SIGNATURE BLOCK AND ORDER ON FOLLOWING PAGE]**
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1 DATED this 13th day of June, 2022.

DATED this 13th day of June, 2022.

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4 **WILEY PETERSEN**

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5 By: /s/ Jason M. Wiley

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21 **ORDER**

22 IT IS ORDERED that ECF No. 42 is GRANTED. IT IS
23 FURTHER ORDERED that the hearing set for 6/27/2022 on
24 ECF No. 38 is VACATED. IT IS FURTHER ORDERED that
25 ECF No. 38 is DENIED without prejudice as moot. Defendants
26 may file another motion to stay discovery later, if necessary.

27 IT IS SO ORDERED

28 DATED: 12:09 pm, June 14, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE